

ASSEMBLY BILL

No. 692

Introduced by Assembly Member Hall

February 17, 2011

An act to amend Section 18671.1 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 692, as introduced, Hall. Civil service: employee hearings.

The California Constitution establishes the civil service and creates the State Personnel Board to enforce the civil service statutes. Existing law authorizes the State Personnel Board to hold hearings and make investigations concerning matters relating to the administration of the civil service. These provisions require, among other things, that a hearing or investigation be commenced within a reasonable time after the filing of the petition whenever a hearing or investigation is conducted in regard to an appeal by an employee.

This bill would revise that provision to require that employee termination cases take priority over all other cases that were initiated within the previous 6 months. The bill would also make nonsubstantive, technical changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18671.1 of the Government Code is
2 amended to read:

1 18671.1. ~~Whenever~~—(a) *If* a hearing or investigation is
2 conducted by the board or its authorized representative in regard
3 to an appeal by an employee, the hearing or investigation shall be
4 commenced within a reasonable time after the filing of the petition
5 ~~and the~~. *Employee termination cases shall take priority over all*
6 *other cases that were initiated within the previous six months.*

7 (b) *The* board shall render its decision within a reasonable time
8 after the conclusion of the hearing or investigation, except that the
9 period from the filing of the petition to the decision of the board
10 shall not exceed six months or 90 days from the time of the
11 submission, whichever time period is less, and except that the
12 board may extend the six-month period up to 45 additional days.

13 ~~In~~
14 (c) *In* the event of an extension, the board shall publish
15 substantial reasons for the need for the extension in its calendar
16 prior to the conclusion of the six-month period. Submission occurs
17 on the last day of the hearing, if no other documents are to be filed,
18 or on the last day designated for the filing of briefs or other
19 evidence necessary to complete the record. ~~The~~

20 (d) *The* provisions *described in subdivision (b)* relating to the
21 six-month or the 90-day periods for a decision may be waived by
22 the employee but if not so waived, a failure to render a timely
23 decision is an exhaustion of all available administrative remedies.

24 ~~In~~
25 (e) *In* cases involving complaints of discrimination, harassment,
26 or retaliation, where the executive officer renders a decision, the
27 decision shall be rendered within four months of the filing of the
28 appeal.